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Before The
Federal Communications Commission

Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Reexamination of the Comparative
Standards for Noncommercial
Educational Applicants

MM Docket No. 95-31

TO: Chief, Mass Media Bureau

Comments Of Public Radio For The Front Range

Public Radio for the Front Range ("PRFR") files these comments on December 4, 1998, in response to FCC's MM Docket Number 95-31. Briefly, we endorse the "Point System" proposal and strongly object to the lottery proposal. We recommend the ownership diversity definition from the lottery proposal be used under the point system, that the "technical parameters" provision be eliminated, and that ties under the point system be resolved by mandatory time sharing.

Public Radio for the Front Range

PRFR seeks to be an agent for community building in the Fort Collins, Loveland and Greeley area. We believe that the rapid growth of this area has out-stripped the traditional mechanisms that connect residents to the existing community and we believe that a community public radio station will benefit the service area greatly. Radio is a medium that can be local and personal,

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where the barrier to participation (through listenership) is low, and the delivery is convenient. PRFR believes that such a medium, if properly employed, can become a local public forum whose existence combats the isolation and alienation that cause a community to fragment.

For these reasons, Public Radio for the Front Range incorporated as a cultural, educational and eleemosynary organization specifically to construct, operate and maintain non-commercial, educational ("NCE") broadcast stations used primarily for transmitting cultural, public affairs, educational and entertainment programs in the Northern Colorado Front Range area.

PRFR has pursued singlemindedly, with strong support from the local community, a construction permit to put on the air a new community NCE radio station. In July 1996 we filed an application for Channel 205 in the Fort Collins area. This application was then top filed by three other applicants who have little or no relationship to the proposed served community. In 1997 a second workable channel in our area became available through the expiration of an existing construction permit ("CP") on Channel 209. In October 1997 PRFR applied for a CP on this channel, only to find that four other applicants -- none with a significant relationship to the proposed service area -- had filed mutually exclusive ("MX") applications. At this time, no other NCE channels are available in our Northern Colorado area.

For more than three years, PRFR has pursued a new community NCE radio station in the Northern Colorado area and has been blocked by

competing applicants who, for the most part, have no relationship to the community. PRFR strongly believes local ownership is key to effective community service, and that local ownership should be the key selection criterion for deciding among MX applications.

Lottery System

While the lottery weightings seem reasonable, Public Radio for the Front Range strongly objects to the lottery proposal. Our objections are rooted in our strong belief that communities are poorly served when NCE radio station owners licensees are selected by lot. We believe the FCC's weightings reflect a certain wisdom that should not be diluted through random chance. We further believe that lotteries promote behavior that has nothing to do with furthering an educational mission in a specific community

Lotteries encourage applicants to apply for as many frequencies as possible, thus favoring wealthier applicants over poorer ones. Lotteries may even encourage speculation outside the desired listening area in order to build a portfolio of CPs for trade. PRFR can conceive of no other explanation for the great number of outstanding MX applications by our competitors (over 200 MX applications in all.)

A startling case-in-point is the frequent NCE applicant, Broadcasting for the Challenged. Within the last nine months this organization, which holds no CPs or licenses, has become mutually exclusive with approximately 70

applications¹. This pattern appears consistent with some type of speculation and the applicant would clearly benefit more from a lottery than those who file one or only a few applications. The selection system chosen by the FCC should not favor such applicants.

Despite the weightings and the element of random chance, wealthier applicants can in effect "purchase" more NCE licenses than poor applicants under a lottery system. Diverse, community-based NCE radio applicants will surely suffer.

Point System and Ownership Diversity

PRFR believes in ownership diversity and local diversity, but particularly in local control. We feel local station ownership and management are key to providing value to the local community.

Local owners can more effectively work with local emergency-preparedness organizations, will be self-interested and very responsive during local emergencies, and through day-to-day contact with their community be naturally responsive to local needs. We do not believe national radio syndicates can be as valuable to the local listening community, so we support the two proposed diversity concepts even though they are indirect means to a good end.

Ideally we recommend 2 points be awarded if the station owner(s) and board members live within the service area. This could be verified with

¹ See MX Watch, <http://www.verinet.com/~bame/mx>

affidavits, re-verified at license renewal intervals, and at any random time selected by the commission.

The local diversity preference proposed in paragraph 21 of the Notice of Proposed Rule Making ("NPRM") for use in a point system has a much weaker effect than the ownership diversity preference described in NPRM paragraph 13 for lottery weightings:

An additional preference would be available to applicants [...] with neither de facto nor de jure control of any other, or a few other, media of mass communication.

Under the local diversity scheme, an applicant with hundreds of media outlets and blanket coverage of the entire country, except for the area described by its application, would receive the same preference as an applicant owning no other mass media.

We recommend the ownership diversity method in NPRM paragraph 13 be used (2 points) instead of the method described in NPRM paragraph 21.A. If the local diversity method of NPRM paragraph 21.A is also used simultaneously, we recommend it be afforded 1 point.

Technical Parameters

An application which covers more area and/or listeners, the so-called "technical parameters", receives a points preference according to NPRM paragraph 21.C. All things being equal, stations with larger coverage are more expensive, so there is a slight bias toward wealthier applicants.

Larger service areas imply a more diverse listener population requiring more diverse programming to meet listeners' needs. Technical parameters do not specify programming diversity, and therefore do not specify whether the listening audience will be well served. PRFR therefore doubts the merit of "technical parameters" points and we recommend they be eliminated.

Tie-Breakers

When multiple applicants are awarded an identical number of points, it should be assumed they are equally qualified to serve their listener communities. Given the choice between a tie-breaker lottery and mandatory time sharing, we prefer time sharing because a lottery seems capricious and would tend to divide the community.

Public Radio for the Front Range learned that time-sharing is more workable than some may suspect. We were pursuing a mutually-acceptable time-share agreement with one of our competitors, before we discovered our remaining competitors were immovable. We and our competitor differ quite strongly on many issues so we expected considerable difficulties but they did not materialize.

Holding Period

An applicant receiving preferences under either the points or lottery system in essence has made a contract with its listener community, via the FCC, to honor certain commitments. We therefore endorse a holding period of 5 to 7 years.

Respectfully submitted,

PUBLIC RADIO FOR THE FRONT RANGE
305 W. Magnolia Steet #213
Fort Collins, CO 80521
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By: Paul Bame